Australian Bureau of Statistics Act 1975

No. 60, 1975 as amended

Compilation start date:	24 June 2014
Includes amendments up to:	Act No. 31, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Australian Bureau of Statistics Act 1975* as in force on 24 June 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 24 June 2014.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish an Australian Bureau of Statistics and for related Purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Australian Bureau of Statistics Act 1975*.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

3 Interpretation

In this Act, unless the contrary intention appears:

Bureau means the Australian Bureau of Statistics established by subsection 5(1).

Chairperson means the Chairperson of the Council holding office under subsection 19(2).

Council means the Australian Statistics Advisory Council established by section 17.

member means a member of the Council.

Statistician means the Australian Statistician referred to in subsection 5(2).

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4 Australian Statistician to have functions etc. of Commonwealth Statistician

(2) After the commencement of this Act:

(a) the Australian Statistician shall:

(i) have the functions, powers and duties expressed by any Act, or by any regulations or other instrument made under any Act, to be conferred or imposed on the Commonwealth Statistician; and

(ii) have the functions and powers expressed by a law of a Territory, or by any regulations or other instrument made under such a law, to be conferred on the Commonwealth Statistician; and

(b) a reference in any Act, in any law of a Territory, or in an instrument under any Act or law of a Territory, to the Commonwealth Statistician shall have effect as if the office of Australian Statistician were a continuation of the office of the Commonwealth Statistician.

Part II—Australian Bureau of Statistics and Australian Statistician

5 Establishment of Bureau and office of Statistician

(1) There is hereby established a Bureau to be known as the Australian Bureau of Statistics.

(2) There shall be an Australian Statistician.

(3) The Bureau shall consist of the Statistician and the staff referred to in subsection 16(1).

(4) The Statistician shall control the operations of the Bureau and shall have such other functions, powers and duties as are conferred or imposed upon the Statistician by or under any Act and such other functions and powers as are conferred upon the Statistician by or under any law of a Territory.

6 Functions of Bureau

(1) The functions of the Bureau are as follows:

(a) to constitute the central statistical authority for the Australian Government and, by arrangements with the Governments of the States, provide statistical services for those Governments;

(b) to collect, compile, analyse and disseminate statistics and related information;

(c) to ensure co-ordination of the operations of official bodies in the collection, compilation and dissemination of statistics and related information, with particular regard to:

(i) the avoidance of duplication in the collection by official bodies of information for statistical purposes;

(ii) the attainment of compatibility between, and the integration of, statistics compiled by official bodies; and

(iii) the maximum possible utilization, for statistical purposes, of information, and means of collection of information, available to official bodies;

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(d) to formulate, and ensure compliance with, standards for the carrying out by official bodies of operations for statistical purposes;

(e) to provide advice and assistance to official bodies in relation to statistics; and

(f) to provide liaison between Australia, on the one hand, and other countries and international organizations, on the other hand, in relation to statistical matters.

(2) For the purpose of the performance of its functions and for the purpose of co-ordinating statistical activities and securing the observance of statistical standards, the Bureau may collaborate with bodies, being Departments and authorities of the States, the Administrations and authorities of the external Territories and local governing bodies, in the collection, compilation, analysis and dissemination of statistics, including statistics obtained from the records of those bodies.

(3) Subject to subsection (4), each new proposal for the collection of information for statistical purposes by the Bureau shall be laid before both Houses of the Parliament before its implementation, unless the proposal is for the collection of information on a voluntary basis.

(4) Where, in relation to a proposal to which subsection (3) is applicable, being a proposal for the collection of information relating to businesses, the Minister considers it necessary to commence implementation of the proposal at a time when it is not practicable to comply with subsection (3) the Minister may authorize the implementation of the proposal without compliance with that subsection but in such a case particulars of the nature of the information to which the authorization relates shall be laid before each House of the Parliament within 5 sitting days of that House after the giving of the authorization.

(5) For the purposes of this section:

(a) a reference to statistical purposes shall be read as including purposes in connexion with the collection, compilation, analysis and dissemination of statistics; and

(b) a reference to an official body shall be read as a reference to:

(i) an Agency within the meaning of the *Public Service Act 1999*; or

(ii) the holder of an office established for a public purpose by or under an Act or a law of an internal Territory; or

(iii) a body corporate, or other body, established for a public purpose by or under an Act or a law of an internal Territory other than such a body corporate, or other body, that is declared by the regulations not to be an official body for the purposes of this Act.

7 Appointment and tenure of office of Statistician

(1) The Statistician shall be appointed by the Governor-General and, subject to this Act, holds office for such period, not exceeding 7 years, as is specified in the instrument of his or her appointment but is eligible for re-appointment.

(3) The Statistician holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

8 Statistician not to undertake any other work

The Statistician shall not engage in paid employment outside the duties of his or her office except with the approval of the Minister.

9 Remuneration and allowances

(1) The Statistician shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, the Statistician shall be paid such remuneration as is prescribed.

(2) The Statistician shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

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10 Leave of absence

The Minister may grant leave of absence to the Statistician upon such terms and conditions as to remuneration or otherwise as the Minister determines.

11 Resignation

The Statistician may resign his or her office by writing signed by the Statistician and delivered to the Governor-General.

12 Removal from office

(1) The Governor-General may remove the Statistician from office on an address praying for his or her removal on the ground of misbehaviour or incapacity being presented to the Governor-General by each House of the Parliament in the same session of the Parliament.

(2) The Governor-General may suspend the Statistician from office on the ground of misbehaviour or incapacity.

(3) Where the Governor-General suspends the Statistician from office, the Minister shall cause a statement of the ground of the suspension to be laid before each House of the Parliament within 7 sitting days of that House after the suspension.

(4) Where such a statement has been laid before a House of the Parliament, that House may, within 15 sitting days of that House after the day on which the statement has been laid before it, by resolution, declare that the Statistician should be removed from office and, if each House so passes such a resolution, the Governor-General shall remove the Statistician from office.

(5) If, at the expiration of 15 sitting days of a House of the Parliament after the day on which the statement has been laid before that House, that House has not passed such a resolution, the suspension terminates.

(6) The suspension of the Statistician from office under this section does not affect any entitlement of the Statistician to be paid remuneration and allowances.

(7) If the Statistician becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, the Governor-General shall remove the Statistician from office.

(8) The Governor-General may, with the consent of the Statistician, retire the Statistician from office on the ground of incapacity.

(9) The Statistician shall not be removed or suspended from office except as provided by this section.

15 Acting appointments

(1) The Governor-General may appoint a person to act in the office of Statistician during any period, or during all periods, when the person holding the office is absent from duty or from Australia or is, for any reason, unable to perform the duties of his or her office or during a vacancy in that office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

(4) Sections 10 and 11 apply in relation to a person appointed under this section in like manner as they apply in relation to the Statistician.

16 Staff

(1) Subject to subsection (2), the staff required for the purposes of the Bureau shall be persons engaged under, or whose services are made available in accordance with arrangements made under, the *Public Service Act 1999*.

(2) Subject to subsection (2A), subsection (1) does not prevent the engaging, in accordance with regulations in force under the *Census and Statistics Act 1905*, of persons (including persons referred to in subsection (1)) to assist in the carrying out of the functions of the Statistician.

(2A) Persons referred to in subsection (1) may be engaged as mentioned in subsection (2) only in relation to:

(a) the taking of the Census mentioned in the *Census and Statistics Act 1905*; and

(b) the collection of other statistics and related information.

(3) The terms and conditions of employment of persons engaged as mentioned in subsection (2) (including persons employed at the commencement of this Act) shall be such as are determined by the Statistician.

(4) For the purposes of the *Public Service Act 1999*:

(a) the Statistician and the APS employees assisting the Statistician together constitute a Statutory Agency; and

(b) the Statistician is the Head of that Statutory Agency.

16A Persons seconded to the Bureau

(1) The Statistician may arrange with:

(a) a governmental agency or governmental authority; or

(b) an international organisation of an intergovernmental character;

for the services of officers or employees of the agency, authority or organisation to be made available to assist in the carrying out of the functions of the Statistician.

(2) Subsection (1) applies to an agency, authority or organisation, whether in Australia or in a foreign country.

(3) Subsection (1) has effect in addition to, and not in substitution for, a provision of the *Public Service Act 1999* that provides for the making of arrangements under which a person performs services in the Bureau.

Note: Persons whose services are made available in accordance with arrangements made under the *Public Service Act 1999* are covered by subsection 16(1) of this Act.

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Part III—Australian Statistics Advisory Council

17 Establishment of Council

There is hereby established a Council to be known as the Australian Statistics Advisory Council.

18 Functions of Council

(1) The functions of the Council are to advise the Minister and the Statistician in relation to:

(a) the improvement, extension and co-ordination of statistical services provided for public purposes in Australia;

(b) annual and longer term priorities and programs of work that should be adopted in relation to major aspects of the provision of those statistical services; and

(c) any other matters relating generally to those statistical services.

(2) Either the Minister or the Statistician, or both of them, may refer matters of the kind referred to in subsection (1) to the Council for the purpose of seeking the advice of the Council in relation to those matters.

19 Membership of Council

(1) The Council shall consist of:

(a) the Chairperson;

(b) the Statistician; and

(c) such other members, being not less than 10 and not more than 22 in number, as the Minister determines.

(2) The Chairperson and the members referred to in paragraph (1)(c) shall be appointed by the Minister as part-time members, and shall hold office, subject to this Act:

(a) in the case of the Chairperson—for a period of 5 years; and

(b) in the case of each other member—for such period, not exceeding 3 years, as is specified in his or her instrument of appointment;

but are eligible for re-appointment.

(3) If the Premier of a State or the Chief Minister of the Northern Territory nominates a person for appointment to the Council, the Minister shall appoint that person as one of the members referred to in paragraph (1)(c) unless the Council already includes a member appointed on the nomination of the Premier of that State or the Chief Minister of the Northern Territory, as the case may be.

20 Resignation and removal of members

(1) A member may resign his or her office by writing signed by the member and delivered to the Minister.

(2) The Minister may remove a member from office for misbehaviour or physical or mental incapacity.

21 Remuneration of members

(1) A member of the Council shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, the member shall be paid such remuneration as is prescribed.

(2) A member of the Council shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

22 Meetings

(1) The Council shall hold such meetings as are necessary for the performance of its functions, and shall meet at least once in every calendar year.

(2) The meetings of the Council may be convened by the Chairperson or by the Minister.

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(3) At a meeting of the Council, a quorum is constituted by one-third of the members for the time being holding office.

(4) The Chairperson shall preside at all meetings of the Council at which the Chairperson is present.

(5) If the Chairperson is not present at a meeting of the Council, the members present shall elect one of their number to preside at the meeting.

(6) Questions arising at a meeting of the Council shall be determined by a majority of the votes of the members present and voting.

(7) The member presiding at a meeting of the Council has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

Part IV—Miscellaneous

24 Annual reports

(1) The Statistician shall, as soon as practicable after 30 June in each year, prepare and submit to the Minister, for presentation to the Parliament, a report on the operations of the Bureau during the period of 12 months that ended on that date.

(2) The Council shall, as soon as practicable after 30 June in each year, prepare and submit to the Minister, for presentation to the Parliament, a report relating to matters connected with the operation of this Act.

(3) The Minister shall cause each of the reports referred to in subsections (1) and (2) to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

25 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word "none" will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2
The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5
The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Endnote 1—About the endnotes

Modifications—Endnote 6
If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7
An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8
Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

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Endnote 2—Abbreviation key

ad = added or inserted
am = amended
c = clause(s)
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expired or ceased to have effect
hdg = heading(s)
LI = Legislative Instrument
LIA = *Legislative Instruments Act 2003*
mod = modified/modification
No = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
pres = present
prev = previous
(prev) = previously
Pt = Part(s)
r = regulation(s)/rule(s)
Reg = Regulation/Regulations
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Bureau of Statistics Act 1975	60, 1975	19 June 1975	3 May 1976 (*see Gazette* 1976, No. S23)	
Census and Statistics Amendment Act 1977	15, 1977	28 Feb 1977	28 Feb 1977 (*see* s. 2)	s. 9
Public Service Reform Act 1984	63, 1984	25 June 1984	s. 151(1): 1 July 1984 (*see Gazette* 1984, No. S245)	s. 151(9)
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	s. 3: 3 July 1985	—
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s. 3: Royal Assent	ss. 5(1) and (5)
Statute Law Revision Act 1996	43, 1996	25 Oct 1996	Schedule 4 (items 18, 19): Royal Assent	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 113–116): 5 Dec 1999 (*see* s. 2(1), (2) and *Gazette* 1999, No. S584)	—
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97)
Statistics Legislation Amendment Act 2003	106, 2003	21 Oct 2003	21 Oct 2003	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 116–118) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act (No. 1) 2014	31, 2014	27 May 2014	Sch 7 (items 1, 2): 24 June 2014	—

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Endnote 4—Amendment history

Provision affected	How affected
Part I	
s 3	am. No. 141, 1987; No 31, 2014
s 4	am. No. 141, 1987
Part II	
s. 5	am. No. 141, 1987
s. 6	am. No. 141, 1987; No. 146, 1999
s. 7	am. No. 141, 1987; No. 159, 2001
s. 8	am. No. 141, 1987
s. 9	am. No. 141, 1987; No. 43, 1996
s. 11	rs. No. 141, 1987
s. 12	am. No. 141, 1987
s. 13	rep. No. 65, 1985
s. 14	rep. No. 141, 1987
s. 15	am. No. 15, 1977; No. 141, 1987; No. 46, 2011
Note to s. 15(1)	ad. No. 46, 2011
s. 16	am. No. 63, 1984; No. 141, 1987; No. 146, 1999; No. 106, 2003
s. 16A	ad. No. 106, 2003
Part III	
ss. 19, 20	am. No. 141, 1987
s. 21	am. No. 141, 1987; No. 43, 1996
s. 22	am. No. 141, 1987
s. 23	rep. No. 141, 1987
Part IV	
s. 24	am. No. 141, 1987

Endnote 5—Uncommenced amendments [none]

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Endnote 6—Modifications

A.C.T. Self-Government (Consequential Provisions) Regulations
(SR No. 3, 1989)

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Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]

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